REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

Since the Examiner has failed to respond to the Request for a New Office Action and Restart of the Period for Response filed on April 25, 2003, the Examiner is respectfully requested to list Oshima (US 5,761,301) on a form PTO-892 with the next Office Action in order to properly make the reference of record in the present application as is outline in M.P.E.P §707.05(e).

Applicants hereby request that the Information Disclosure Statement filed with the Patent Office on April 25, 2003 be considered by the Examiner. Applicants also request that the Examiner return an initialed copy of the form PTO-1449 which was filed as part of the Information Disclosure Statement of April 25, 2003.

The specification and abstract have been reviewed and revised to make a number of editorial revisions. No new matter has been added. Enclosed is a marked-up substitute specification and abstract indicating the changes incorporated therein.

The drawings have been objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "101" and "105" have both been used to designate the same part in Figure 1A. As a result of this objection, new formal drawings are submitted herewith. In the new formal drawings, Figure 1A has been amended so as to differentiate the parts referred to by the reference characters "101" and "105". As a result, withdrawal of this objection is respectfully requested.

Claims 2-13 have been amended to make a number of editorial revisions. These revisions have been made to place the claims in better U.S. form. None of these amendments have been made to narrow the scope of protection of the claims, nor to address issues related to patentability and therefore, these amendments should not be construed as limiting the scope of equivalents of the claimed features offered by the Doctrine of Equivalents. Enclosed is a marked-up copy of the claims indicating the changes therein.

Claim 5 has been rejected under 35 U.S.C. 102(e) as being anticipated by Yamada (US 6,141, 483). Claims 1-4 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada in

view of Oshima (US 5,761,301). Claims 6-13 have been indicated as being allowed. The Applicants would like thank the Examiner for this indication of allowable subject matter.

The above-mentioned rejections are respectfully traversed and submitted to be inapplicable to claims 1-5 for the following reasons.

Claim 1 is patentable over the combination of Yamada and Oshima, since claim 1 recites an information recording disc having a burst cutting area (BCA) for recording control information for a reproduction apparatus, wherein the burst cutting area includes at least one BCA control information area and the BCA control information area comprises an application identifier area for identifying applications of control data, a data length area for indicating data length of the control data, and an application specific data area for recording the control data. The combination of Yamada and Oshima fails to disclose or suggest a BCA control information area as recited in claim 1.

Yamada discloses a recording medium 1 that has a lead-in area 22, a data area/rewritable data zone 23, a lead-out area 24, and an outer peripheral edge 25. The data area/rewritable data zone 23 is made up of an area where data is recorded and a data area/rewritable data zone. The lead-in area 22 is made up of a reference signal portion 26 where a reference code is recorded, a control data portion 27, and an erasable portion 28. At the erasable data portion 28, data is recorded by the manufacturer upon manufacturing of the recording medium 1. The control portion 27 contains data about manufacture, including a manufacturer date, a region code, and a user name or user organization name given special permission. Also, the control portion 27 contains physical format data about the recording conditions such as a recording linear speed, reproduction power, recording power, and recording pulse width. The erasable data portion 28 is made up of an authentication portion, a data description portion about a data alteration area, and a test recording portion. Further, the lead-out area 24 is made up of an authentication portion, a data description portion, and a test recording portion. (See column 7, lines 31-61 and Figure 3).

The rejection indicates that Yamada discloses control information as recited in claim 1. However, as is apparent from the above description of Yamada, no portion of the recording medium

1 of Yamada includes a data length area for indicating data length of control data as recited in claim 1. Therefore, Yamada fails to disclose or suggest this feature of claim 1.

As for Oshima, the rejection relies on this reference as disclosing a burst cutting area on an optical disc. However, Oshima also fails to disclose or suggest a data length area as recited in claim 1. As a result, claim 1 is patentable over the combination of Yamada and Oshima.

Claim 5 is patentable over Yamada, since claim 5 recites an information recording disc having, in part, a lead in area for recording control information, wherein the lead-in area has recorded therein a unique identifier indicative of a disc for initializing regional control information for restricting a region enabling reproduction of user data. Yamada fails to disclose or suggest a lead-in area as recited in claim 5.

Yamada discloses a recording medium 1 having a lead-in area 22 (32). (See column 7, lines 31-61). The lead-in area 32 is disclosed as having a region code area 42 containing a region code having regional data, a manufacturing date area 41 containing a manufacturing date of a master of the recording medium 1, and an area 43 having transfer permission conditions recorded therein at manufacture along with a reproduction linear speed and a reproduction power. The region code of the region code area 42 has a number of different values that can be set to correspond to any or all of six different regions in which the world is split. Depending on the values set in the region code area 42, a reproduction apparatus 2 into which the recording medium 1 is inserted determines whether or not it is authorized to reproduce/transfer the information stored on the recording medium 1. The reproduction apparatus 2 makes this determination by comparing its region code to the region code in the region code area 42 in the lead-in area 32. (See column 8, lines 7-12, column 9, lines 3-67, and Figure 6).

The area 43 of the lead-in area 32 contains time permission condition data 44 and permission condition data 45. The time permission condition data 44 is a set time period such that when the time period has lapsed from the manufacturing date of the master of the recording medium 1 stored in the manufacturing date area 41, the information on the recording medium 1 can be reproduced/transferred by the reproduction apparatus 2 regardless of whether the region code in the reproduction apparatus 2 and the region code stored in the region code area 42 correspond. (See

column 10, lines 1-10). The permission condition data 45 contains conditions for permitting reproduction/transfer of data for a specific reproduction apparatus 2, user or organization having a coincident password or ID number regardless of whether the region code in the region code area 42 corresponds to the region code in the reproducing apparatus 2. (See column 10, lines 11-16).

Further, in another embodiment of Yamada, the data reproducing device 2 is disclosed as being capable of having the region code stored therein updated. In this embodiment, the reproduction device 2 stores a region code, a latest time when the region code has been updated, permission/non-permission data about updating the region code, and a period in which the region code can be updated. When the reproducing apparatus 2 is manufactured, its region code is temporarily set by the manufacturer. The manufacturer also sets the latest time at which the region code has been updated and the period during which the updating of the region code can occur. When a recording medium 1 is inserted into the reproduction apparatus 2, the reproducing apparatus 2 checks to determine whether or not its region code corresponds to the region code of the recording medium 1. If the two region codes do not correspond, the reproduction apparatus 2 determines whether or not it is capable of updating its region code based on the current date, the latest time when the region code was updated, and the period in which the updating of the region code is permitted. If the update is permitted, the permission/non-permission data is changed to reflect this. Then, the region code of the reproduction apparatus 2 is updated based on the region code of the recording medium 1 such that the two correspond. (See column 13, line 53 - column 14, line 65).

However, while this further embodiment of Yamada allows for the updating of the region code in the reproduction apparatus 2, Yamada fails to disclose or suggest an information recording disc having a lead in area for recording control information, wherein the lead-in area has recorded therein a unique identifier indicative of a disc for initializing regional control information for restricting a region enabling reproduction of user data. In other words, while the reproduction apparatus 2 of Yamada is capable of updating its region code if certain time conditions are satisfied with respect to the recording medium 1, Yamada fails to disclose or suggest an information recording disc having a unique identifier in its lead-in area that is indicative of a disc for setting control

information to a start position. Instead, Yamada discloses that the manufacturer sets the regional code during manufacturing. (See column 14, lines 1-3).

The present invention as recited in claim 5 is based on the premise that the number of times regional information of a reproducing apparatus can be updated is limited by the manufacturer, for example, by either setting a maximum number of updates or setting a limited time period in which updates are allowed, as is the case in Yamada, discussed above. Otherwise, if the number of updates is unlimited, the restrictive effect of the regional information is defeated. However, a problem occurs when, due to a virus or some other situation, the allowed number of updates of the regional information are used up without the intent of the user. If this occurs, the user has lost the ability to update the regional information the permitted number of times. Therefore, the present invention allows for the regional control information of the reproduction apparatus to be initialized (reset) with the use of the claimed information recording disc which has in its lead-in area a unique identifier indicative of a disc for initializing regional control information for restricting a region enabling reproduction of user data. As a result, the allotted number of region information updates lost due to the virus can be easily reclaimed without shipping the reproduction apparatus back to the manufacturer.

In addition, as discussed above, Oshima discloses a burst cutting area on an optical disc. However, Oshima also fails to disclose or suggest an information recording disc having in its lead-in area a unique identifier indicative of a disc for initializing regional control information for restricting a region enabling reproduction of user data, as recited in claim 5. As a result, claim 5 is patentable over Yamada and Oshima, either individually or in combination.

Because of the above-mentioned distinctions, it is believed clear that claims 1-13 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1-13. Therefore, it is submitted that claims 1-13 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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July 2, 2003